

United States v. American Eel Depot, et al.,
22-cr-165-JMV

Att. **A** to Gov't Opp. to Mot. to Dism.

**DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
OFFICE OF LAW ENFORCEMENT**

**REPORT OF INVESTIGATION
REPORT#: 2015501394R006
APPROVED**

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CASE TITLE AMERICAN EEL DEPOT SENSITIVE CASE	REPORT DATE 05/03/2016	CASE NUMBER 2015501394
	REPORTING OFFICER Amy Snyder -	CASE STATUS PENDING
	APPROVED BY Preston Fant, Neil Mendelsohn, Amy Snyder,	

SUBJECTS OF REPORT

ASIA AQUATIC COMPANY LTD.
YI RUI HUANG - AMERICAN EEL DEPOT CORPORATION
YI RUI HUANG - CHANGLE PACIFIC FOOD CORP.
CHAO JIN SHI - OCEAN GREAT LLC.
GUO TUAN ZHOU SR. - AMERICAN EEL DEPOT CANADA CORP.

SYNOPSIS

This report documents intelligence garnered from Canada's Department of Fisheries and Oceans (DFO) and . This report also documents the importation of processed adult eel fillets by AMERICAN EEL DEPOT (AED), from their partner company, CHANGLE PACIFIC FOOD CORP. (CP) in China, as well as the genetics testing conducted by the United States Fish and Wildlife Service (Service) on these fillets.

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Internal List

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AED Import Intercepted at the Elizabeth, NJ Seaport

Based on evidence previously documented in R005 of this investigation, SA Snyder learned that AED was importing cooked adult eels directly from HUANG's eel processing facility CP in China, into the United States and Canada. Throughout the course of this investigation, SA Snyder developed reason to suspect that the illegal elvers HUANG had been exporting to ASIA AQUATIC during OBG ultimately arrive at CP in China, before being cooked, packaged and

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exported around the world. As such, SA Snyder sought to identify the species of eels CP was trading in by sampling CP's processed, adult eel products. Prior conversations with Dr. Mary Burnham Curtis, geneticist at the Service's National Wildlife Forensics Laboratory (NWFL), confirmed it was possible to extract DNA from cooked seafood products.

Of the three eel species commercially raised for human consumption, the American eel (*Anguilla rostrata*), European eel (*Anguilla anguilla*), and Japanese eel (*Anguilla japonica*), only the Japanese eel is native to China. Because AED trafficked in poached American elvers and exported them to Asia, because American eels are not native to China, and because all farmed eels are wild-caught, the presence of American eels in CP's shipments would be highly suspicious and further implicate HUANG and AED in the American eel trafficking conspiracy—not only through their illegal elver exports to Hong Kong, but again through the dozens of adult eel meat AED imported from CP in China.

On October 13, 2015 Senior Special Agent Philip Alegranti identified an ocean container manifested as "frozen roasted eels" destined for AED's headquarters in New Jersey, from HUANG's eel processing plant, CP in China. On October 14, 2015, this shipment made import at the Elizabeth, NJ seaport in container number SZLU9831179. On October 22, 2015, Wildlife Inspectors (WI) Michael Martynenko and Kathleen Bushman inspected this shipment and removed a representative sample of six (6) eel products which included two (2) packages of eleven ounce eel fillets, two (2) packages of eight ounce eel fillets, and two (2) packages of nine ounce eel fillets, leaving a property receipt in the box of eel fillets, denoting which items had been sampled (See attachment #1; OG Property Receipt). In communicating with AED's broker, WI Martynenko received numerous documents pertaining to this shipment including a commercial invoice from CP to AED for 21,000 kilograms of frozen roasted eels with a declared value of \$346,500.00 (See attachment #2; AED Import Documents). Each package of eel meat had a small notation on the rear packaging which stated that the eel was a product of China and was packed for OG in New York, NY.

Eel Samples Shipped to the NWFL

On November 23, 2015 WI Martynenko shipped three (3) representative packages of eel fillets, (item numbers 1, 3 and 5) to the NWFL for species identification (See attachment #3; NWFL Evidence Submittal Form).

Eel Samples Returned from the NWFL

On February 18, 2016, SA Snyder received item numbers 1, 3, and 5 back from the NWFL.

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Genetics Examination Report Received from the NWFL

In February of 2016, SA Snyder received a Genetics Examination Report from Dr. Curtis (See attachment #4; Genetics Examination Report). Dr. Curtis's examination revealed that item #1 and item #3, the eleven and eight ounce eel fillets, were identified as *Anguilla rostrata*, the American eel. Dr. Curtis found that item #5, the nine ounce eel fillet, was *Anguilla anguilla*, the European eel. None of the eel fillets sampled were *Anguilla japonica*, the Japanese eel.

As of September 2015, AED had imported at least 137 different shipments of eels from CP between 2010 and 2015, many of which are likely to have contained illegally harvested and trafficked rostrata elvers from OBG.

While neither the American nor European species of eel are listed on the United States' Endangered Species Act, the European eel is listed on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as an Appendix II species, necessitating CITES permits for commercial trade. Further, while the International Union for Conservation of Nature (IUCN) listings have no legal bearing, it should be noted that the European eel is listed as critically endangered, while the American eel is listed as endangered.

DESCRIPTION OF SUBJECTS

No new subjects have been identified at this time.

PRIOR VIOLATIONS

None to document as no new subjects have been identified in this report.

WITNESSES

Amy Snyder, Special Agent
Michael Martynenko, Wildlife Inspector
Kathleen Bushman, Wildlife Inspector
U.S. Fish and Wildlife Service
Office of Law Enforcement
1210 Corbin Street, 1st Floor
Elizabeth, New Jersey 07201

福建省长乐市对外贸易公司
 CHANGLE FOREIGN TRADE CORPORATION, FUJIAN, CHINA
 57 ZISHENG ROAD, CHANGLE CITY, FUJIAN, CHINA

商业发票

COMMERCIAL INVOICE

INV. NO.: AED2001089

CONTRACT NO.: AED2001089

DD: Aug. 23, 2015

PAYMENT TERMS: T/T

TO: American Eel Depot Corp.

ADD: 405 MINNISINK RD TOTOWA NJ 07512 USA

TEL: 973-890-8888

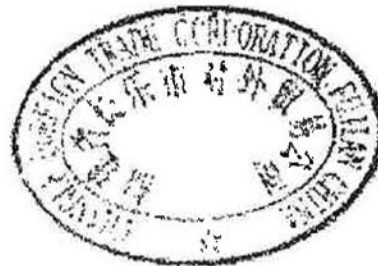
FAX: 973-890-8880

MARKS:	DESC.:	QTY	UNIT PRC	AMOUNT
唛头	品名	数量	单价	金额
	FROZEN ROASTED EEL	KGS	USD CNF NEW YORK	
	110Z	21000	US\$16.50	US\$346,500.00
	TTL: 21000KGS			US\$346,500.00

shipping mark:

N/M

1604 171000
 16XGT45



CHANGLE FOREIGN TRADE CORPORATION, FUJIAN, CHINA

Attachment #: 2

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Department of the Interior
U.S. Fish & Wildlife Service
Office of Law Enforcement

Mail To: National Fish & Wildlife Forensic Lab
1490 East Main Street
Ashland, OR 97520
Ph. 541/482-4191 FAX 541/482-4989
e-mail: fw9ash_evidence@fws.gov

EVIDENCE SUBMITTAL FORM AND EXAMINATION REQUEST

Agency Case #: 2015501394	*CALL THE EVIDENCE UNIT AT THE LAB IF YOU HAVE ANY QUESTIONS ABOUT COMPLETING THIS FORM.	Lab Case #:
Case Officer: (Name & Badge #) SA Amy Snyder		Agency: <input type="checkbox"/> FWS/LE <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> CITES
Evidence Submitted by: (Name & Badge #) SA Amy Snyder	Date: 11/23/2015	Rec'd in Lab: (Date/By)
Agency Name, Address: U.S. Fish and Wildlife Service Office of Law Enforcement 1210 Corbin Street Elizabeth, NJ 07201 <small>ALL CORRESPONDENCE, INCLUDING REPORTS, WILL BE MADE TO THE CASE OFFICER AT THIS ADDRESS UNLESS OTHERWISE STATED.</small>	Suspect Name(s): AMERICAN EEL DEPOT Case Title: AMERICAN EEL DEPOT	Logged In: (Date/By)
		Case Assignment: TO: <u>WPK</u> AREA: _____
		Submission Number:

Item # and Seizure Tag #	Item Description: <small>Use entire block to describe 1 tagged item or the contents of 1 tagged package.</small>	Lab #
Item #: <u>1</u> ST #: <u>028310</u>	One (1) eleven ounce eel filet	
Item #: <u>3</u> ST #: <u>028310</u>	One (1) eight ounce eel filet	
Item #: <u>5</u> ST #: <u>028310</u>	One (1) nine ounce eel filet	
Item #: _____ ST #: _____		
Item #: _____ ST #: _____		
Item #: _____ ST #: _____		

Additional Items Listed on back?
☐ yes ☒ no

For additional information, contact:
☒ Case Officer ☐ Submitting Officer
 Phone: _____

Return Evidence To:
☒ Agency Address listed above
☐ Other: see special instructions

Additional Instructions on back?
☐ yes ☒ no

Examination or Shipping Instructions:

Species ID

Attachment #: 3
 Page: 1 of 1

Rev. Dec/14



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Office of Law Enforcement

Clark R. Bavin

National Fish and Wildlife Forensics Laboratory

1490 East Main Street

Ashland, Oregon 97520



February 1, 2016

GENETICS EXAMINATION REPORT

Agency:

USFWS/LE, Elizabeth
1210 Corbin Street
Sealand Building 1st Floor
Elizabeth, NJ 07201

Lab Case #:

15-0336

Examiner:

Burnham Curtis

Agency Case #:

2015501394

Investigator:

Snyder

Suspects:

American Eel Depot

Case Title:

American Eel Depot

EVIDENCE RECEIVED:

The following evidence was received in the Evidence Unit of the Laboratory on November 24, 2015, and was transferred to the undersigned examiner on December 07, 2015:

- LAB-1: "One (1) eleven ounce eel filet" [ST#028310;Item# 1]
- LAB-2: "One (1) eight ounce eel filet" [ST#028310;Item# 3]
- LAB-3: "One (1) nine ounce eel filet" [ST#028310;Item# 5]

EXAMINATION REQUESTED:

The submitting investigator, Special Agent Amy Snyder, requested analyses to determine the species origin of the evidence represented by LAB-1, LAB-2, and LAB-3.

EXAMINATION CONDUCTED:

LAB-1, LAB-2, and LAB-3 were sampled for DNA extraction. A segment of mitochondrial DNA (mtDNA) containing a portion of the Cytochrome *b* (Cyt *b*) gene from LAB-1 through LAB-3 was amplified by PCR and subjected to DNA sequence analysis. The resulting sequences were compared to National Fish and Wildlife Forensic Laboratory (NFWFL) reference material and sequences obtained from the GenBank databases.

EXAMINATION RESULTS:

The Cyt *b* sequence of LAB-1 is identical to that of *Anguilla rostrata*, GenBank Acc. #KJ564214 at 425/425 bp.

The Cyt *b* sequence of LAB-2 is identical to that of *Anguilla rostrata*, GenBank Acc. #KJ564213 at 425/425 bp.

The Cyt *b* sequence of LAB-3 is identical to that of *Anguilla anguilla*, Gen Bank Acc. #KJ564266 at 424/425 bp.

1 of 2

Attachment #: 4

Page: 1 of 2

Examiner's Initials:

MB

Examination Report 15-0336 - Continued
February 1, 2016

EXAMINATION CONCLUSIONS:

The species origin of LAB-1 and LAB-2 is *Anguilla rostrata*.

The species origin of LAB-3 is *Anguilla anguilla*.

DISPOSITION OF EVIDENCE:

All evidence items were transferred to the Evidence Unit pending return to the submitting agency.


MARY BURNHAM CURTIS
c=US, o=U.S. Government,
ou=Department of the Interior,
ou=U.S. Fish and Wildlife Service,
cn=MARY BURNHAM CURTIS,
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Mary K. Burnham Curtis, Ph.D.
Supervisory Forensic Scientist